

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LINDE LAMBSON,

Defendant.

CR 22-22-M-DWM

ORDER

On September 27, 2022, the defendant committed to the custody of the Attorney General, for hospitalization and treatment to determine if there is a substantial probability that in the foreseeable future he will attain the capacity to permit this case to go forward. (Doc. 15.) He was required to be transferred within ten days of designation. (*Id.*) In response to the United States' motion to modify the timing of transport, (Doc. 17), the United States Marshal was ordered to transport the defendant to his designated facility for hospitalization and

treatment within thirty (30) days of October 21, 2022. (Doc. 21.) On November 21, 2022, that deadline ran without the defendant being transported.

On November 21, 2022, the United States moved to extend the deadline to transport the defendant to his designated facility for hospitalization by January 26, 2023. (Doc. 22.) On November 22, 2022, the defendant moved to dismiss his revocation petition, or in the alternative, set a hearing at which the Attorney General may show cause why he has not obeyed the Court's orders. (Doc. 23.) While a January 26, 2023, date of hospitalization may not violate the defendant's due process rights, *see United States v. Donnelly*, 41 F.4th 1102, 1107 (9th Cir. 2022), the Attorney General has not shown cause as to why he has failed to consider this Court's deadlines or why such a long period of pre-hospitalization commitment is required. Accordingly,

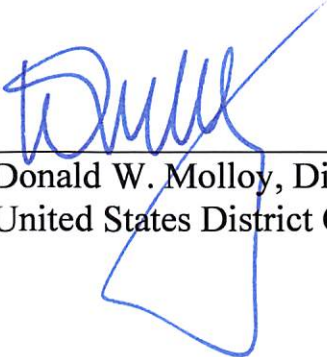
IT IS ORDERED that the defendant's motion is GRANTED IN PART and DENIED IN PART. (Doc. 23.) The Attorney General must make a bed available for the defendant at his designated facility by December 15, 2022. If the Attorney General does not do so, he shall show cause by that same date why he should not be held in contempt for violating this Order. *See* 18 U.S.C. § 4241(d). The Court RESERVES ruling on defendant's motion to dismiss. The United States' motion to modify, (Doc. 22), is DENIED.

IT IS FURTHER ORDERED that the United States Marshal Service shall

transport defendant to the designated facility within ten (10) days of being notified that a bed is available.

The Clerk of Court is ORDERED to promptly serve this Order on the United States Marshal Service and the Attorney General or his agents.

DATED this 1st day of December, 2022.



Donald W. Molloy, District Judge
United States District Court